

By: Castro

H.B. No. 1192

Substitute the following for H.B. No. 1192:

By: Eiland

C.S.H.B. No. 1192

A BILL TO BE ENTITLED

AN ACT

relating to the requirement and study of insurance coverage for serious emotional disturbance of a child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1355.001, Insurance Code, is amended by adding Subdivision (5) to read as follows:

(5) "Serious emotional disturbance of a child" means an emotional or behavioral disorder or a neuropsychiatric condition that causes a person's functioning to be impaired in thought, perception, affect, or behavior and that:

(A) has been diagnosed, by a physician licensed to practice medicine in this state, a psychologist licensed to practice in this state, or a licensed professional counselor licensed to practice in this state, in a person who is at least three years of age and younger than 17 years of age; and

(B) meets at least one of the following criteria:

(i) the disorder substantially impairs the person's ability in at least two of the following activities or tasks:

(a) self-care;

(b) engaging in family relationships;

(c) functioning in school; or

(d) functioning in the community;

(ii) the disorder creates a risk that the

1 person will be removed from the person's home and placed in a more  
2 restrictive environment, including in a facility or program  
3 operated by the Department of Family and Protective Services or an  
4 agency that is part of the juvenile justice system;

5 (iii) the disorder causes the person to:

6 (a) display psychotic features or  
7 violent behavior; or

8 (b) pose a danger to the person's self  
9 or others; or

10 (iv) the disorder results in the person  
11 meeting state special education eligibility requirements for  
12 serious emotional disturbance.

13 SECTION 2. The heading to Section 1355.004, Insurance Code,  
14 is amended to read as follows:

15 Sec. 1355.004. REQUIRED COVERAGE FOR SERIOUS EMOTIONAL  
16 DISTURBANCE OF A CHILD AND SERIOUS MENTAL ILLNESS.

17 SECTION 3. Section 1355.004, Insurance Code, is amended by  
18 amending Subsection (a) and adding Subsections (c), (d), and (e) to  
19 read as follows:

20 (a) A group health benefit plan:

21 (1) must provide coverage for serious emotional  
22 disturbance of a child diagnosed as described by Section  
23 1355.001(5) and coverage, based on medical necessity, for serious  
24 mental illness for not less than the following treatments [~~of~~  
25 ~~serious mental illness~~] in each calendar year:

26 (A) 45 days of inpatient treatment; and

27 (B) 60 visits for outpatient treatment,

1 including group and individual outpatient treatment;

2 (2) may not include a lifetime limitation on the  
3 number of days of inpatient treatment or the number of visits for  
4 outpatient treatment covered under the plan; and

5 (3) must include the same amount limitations,  
6 deductibles, copayments, and coinsurance factors for serious  
7 emotional disturbance of a child and serious mental illness as the  
8 plan includes for physical illness.

9 (c) The department shall conduct a study to determine and  
10 evaluate the extent to which enrollees are making claims under  
11 coverage for serious emotional disturbance of a child and the  
12 impact, if any, the coverage for serious emotional disturbance of a  
13 child and the claims have on the cost of the coverage for group  
14 health benefit plans.

15 (d) Not later than August 1, 2012, the department shall  
16 submit to the governor, the lieutenant governor, the speaker of the  
17 house of representatives, and the appropriate standing committees  
18 of the legislature a report regarding the results of the study  
19 required by Subsection (c), together with any recommendations for  
20 legislation.

21 (e) This subsection and Subsections (c) and (d) expire  
22 September 1, 2013.

23 SECTION 4. Section 1355.054(a), Insurance Code, is amended  
24 to read as follows:

25 (a) Benefits of coverage provided under this subchapter may  
26 be used only in a situation in which:

27 (1) the covered individual has a serious mental

1 illness or serious emotional disturbance of a child that requires  
2 confinement of the individual in a hospital unless treatment is  
3 available through a residential treatment center for children and  
4 adolescents or a crisis stabilization unit; and

5 (2) the covered individual's mental illness or  
6 emotional disturbance:

7 (A) substantially impairs the individual's  
8 thought, perception of reality, emotional process, or judgment; or

9 (B) as manifested by the individual's recent  
10 disturbed behavior, grossly impairs the individual's behavior.

11 SECTION 5. The change in law made by this Act applies only  
12 to a group health benefit plan that is delivered, issued for  
13 delivery, or renewed on or after January 1, 2012. A group health  
14 benefit plan that is delivered, issued for delivery, or renewed  
15 before January 1, 2012, is governed by the law as it existed  
16 immediately before the effective date of this Act, and that law is  
17 continued in effect for that purpose.

18 SECTION 6. This Act takes effect September 1, 2011.